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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,862	06/01/2001	Juha-Matti Sainio	796.392USW1	1447

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EXAMINER

UBILES, MARIE C

ART UNIT PAPER NUMBER

2642

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,862

Applicant(s)

SAINIO, JUHA-MATTI

Examiner

Marie C. Ubiles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on July 27, 2004 has been entered. Claims 1, 8-9, 12 and 19-22 have been amended. Claims 2 and 14 were cancelled on amendment filed February 20, 2004. No claims have been added. Claims 1, 3-13 and 15-22 are still pending in this application, with claims 1,9 and 19-2 being independent.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 4-6, 7-8 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (US 5,999,610), for the reasons stated in the Office Action mailed on May 7, 2004.

4. Claims 3, 9, 10-13, 15-18 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (US 5,999,610) in view of Moharram (US 5,825,860), for the reasons stated in the Office Action mailed on May 7, 2004.

5. As for the new limitation in claims 1, 9 and 19-22 that recite "*relating/related to a service*", the Examiner believes the limitation is redundant as the Applicant previously claimed "*at least two service control points addresses to send a service request*". Further, it may be appreciated in Col. 8, Table 1, that Lin et al. is indeed encountering triggers and sending queries according to a plethora of "service categories".

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Regarding the added limitation in claim 8, "*limited by an applicable restriction*", *this* still may be read on the time that the MP 200 awaits for the response from SCP 600 before querying SCP 602, the "restriction" being the waiting time before executing the aforementioned step.

Response to Arguments

6. Applicant's arguments filed 7/27/2004 have been fully considered but they are not persuasive.

Applicant argues that Lin et al. does not disclose or suggest that "*the services are sent to each service control point (SCP) until initiation of the service at one of the control points or when the SCP refuses to initiate the service*" and "*at least two control points addresses to send a service request relating to a service or sending the service request to the control point addresses one at a time, until the service is initiated at one of the service addresses*".

As established in the previous Office Action, in regards to the limitation "*the services are sent to each service control point (SCP) until initiation of the service at one of the control points or when the SCP refuses to initiate the service*", may be read on teachings suggested by Lin et al. Further, and in order to clarify how does the Examiner came to the conclusion that the applied prior art taught sending the service request to different address until iniation of such service, Lin et al. teaches "*The services 406, 408, and 410 can be distributed over different SCPs*" (See Col. 5, lines 43-44). The Examiner believes that it would have been obvious to one of ordinary skill in the art, that querying

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multiple SCPs will be based on the fact that services reside on different SCPs, and thus when the service is not found at the first SCP queried, a query will need to be sent to the next SCP until the service is initiated.

Regarding the limitation specifying "*at least two control points addresses to send a service request relating to a service or sending the service request to the control point addresses one at a time, until the service is initiated at one of the service addresses*"; as stated by the Examiner in the previous Office Action, it is inherent from Lin's et al system that SCPs 600-602 will each have unique address, as these SCPs operate as separate service control points.

In regards to the combination of Lin et al. and Moharram, the Applicant argues that the combination fails to disclose or suggest "*setting at least two control point addresses to send a service request relating to a service and sending the service request to a control point address selected on the basis of the congestion information.*"

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the extra limitation "*..and sending the service request to a control point address selected on the basis of the congestion information.*" was taught by Moharram in a system which

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encompasses the same elements and composition as those featured in Lin et al.

Further, the combination with Moharram teaches that it is possible to program these AIN elements (or SSPs, SCPs and/or MPs) to take into consideration the amount of congestion before requesting for an SCP (or control point address) to initiate a service.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles
November 8, 2004


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